

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

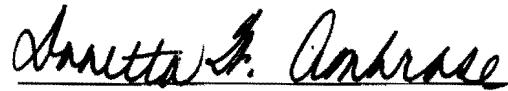
THURMAN MEARIN,)	
Plaintiff)	
)	
vs.)	Civil Action No. 08-597
)	Judge Donetta W. Ambrose/
PETE VIDONISH, Unit Manager;)	Magistrate Judge Amy Reynolds Hay
SUPERINTENDENT LOUIS FOLINO;)	
MARLENE M. STEWART, Coordinator,)	
P.R.C.; ROBERT McCOMBIE, Activities;)	
LAUREL HARRY, Unit Manager; CARLA)	
SWARTZ, Unit Manager; TIMOTHY I.)	
MARK, Deputy Chief Counsel for Hearing)	
& Appeals; BRIAN COLEMAN, Deputy;)	
MARK CAPOZZA, Major of the Guard;)	
DAVID SACKS, Employee; CINDY G.)	
WATSON, Chief Grievances Officer; and)	
DORENA VARNER, Chief Grievances)	
Officer,)	
Defendants)	

O R D E R

AND NOW, this 29th day of dec, 2009, after the Plaintiff, Thurman Mearin, filed an action in the above-captioned case, and after a Partial Motion to Dismiss by defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until December 7, 2009, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that Defendant's partial motion to dismiss is

granted in part and denied in part. It is be granted with respect to Plaintiff's Fourteenth Amendment procedural due process claim of being placed in Administrative Custody. It is denied as to Plaintiff's First Amendment claim of retaliation.



DONETTA W. AMBROSE
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

Thurman Mearin
AM-8063
SCI Greene
175 Progress Drive
Waynesburg, PA 15370

All Counsel of Record by electronic filing